

REMARKS

Claims 1-12 are pending in the application. Claims 7 and 8 are allowed. Claims 10 and 11 are canceled. Claim 12 is amended. Claims 1-9 and 12 remain for consideration.

Claim Rejections – 35 USC §102

The Examiner rejects claims 1-6 and 9-12 as being anticipated by Chien (U.S. Patent No. 5,871,271). The Examiner states that:

Chien discloses a protective shell defining an inside surface and an outside surface and outer shell in communication with the outside surface and protective shell a plurality of lamps adapted to emit through the outer shell, a power supply in electrical communication with the plurality of lamps to provide power to the plurality of lamps and a motion detecting switch (41) in communication with the lamps such that upon movement of the motion detecting switch electrical power is supplied to at least one lamp of the plurality of lamps for a predetermined period of time (abstract, figs 1-3,8,9, col. 7 lines 23-26);

- A flasher module which receives power from said power supply and selectively provides power to individual lamps of said plurality of lamps, said flasher module having a plurality of programs for flashing said plurality of lamps, wherein said predetermined period of time is the length of time of a particular program (col. 7 lines 28-43);
- Said power supply comprises a battery.
- Each lamp of said plurality of lamps is a light emitting diode.
- A first program of said plurality of programs turns on all of the lamps of said plurality of lamps for said predetermined period of time. (Col. 7 lines 23-43);
- Said predetermined period of a time is a first predetermined period of time and a second program of said plurality of programs flashes individual lamps of said plurality of lamps in a random manner for a

- second predetermined period of time.
- Each of the plurality of lamps are beneath an outside surface of the protective shell;
- The outer shell is provided with a plurality of translucent windows through which the lamps emit light;
- The translucent windows comprise protrusions;
- The protrusions are elliptical having a longitudinal axis aligned with a front to back axis of the protective shell.

Claim 1 is amended to incorporate the limitations of dependant claims 10 and 11.

Claim 1 now includes the following limitations:

said outer shell is provided with a plurality of translucent windows through which said lamps emit light; and wherein said translucent windows comprise protrusions.

The Examiner states that Chien teaches, “the translucent windows comprise protrusions”. However, Applicant was unable to find any teachings in Chien which teach that translucent windows comprise protrusions. Instead, Chien states in Col. 8, lines 31-36,

the recessed lighting arrangement of the invention also provides a smooth helmet surface, which can be achieved by either forming or molding transparent members into the helmet hard-shell or by forming a completely transparent hard-shell and painting the shell to form the desired “windows”.

Therefore, Chien teaches that the lights are “recessed” and that the outside surface of the shell is “smooth”. In contrast, Applicant’s amended claim 1 requires that the outer shell is “provided with a plurality of translucent windows ... wherein said translucent windows comprise protrusions.”

Applicant notes that FIGS. 3, 3A and 3B teach *light strips* having protrusions. In particular, flexible circuit board 26 has protruding LEDs 17 (FIG. 3), LEDs 17' (FIG. 3A) and LEDs 17'' (FIG. 3B). However, none of the protruding LEDs comprise an outer shell provided with a plurality of translucent windows wherein the translucent windows comprise protrusions. In fact, Chien explicitly teaches that LEDs 17, 17' and 17'' do not protrude beyond the perimeter of the outer shell as stated in Col. 6, lines 4-7,

The flexible circuit board [26] is positioned within parallelepiped shaped recess section 5, [see FIG. 1], with the LEDs 17 for this embodiment extending through slot shaped section 6 [see FIG. 1] and into sections 6 sections 7 (sic). [bracketed text added]

Therefore, Applicant is unaware of any teachings of Chien regarding an outer shell provided with a plurality of translucent windows through which the lamps emit light wherein the translucent windows comprise protrusions.

Amended Claim 1 is, therefore, submitted to be patentable.

Claims 2-6 and 9 each depend, at least indirectly, from amended claim 1 which is submitted to be patentable. Claims 2-6 and 9 are therefore also submitted to be patentable.

Claims 10 and 11 are canceled.

Claim 12 has been amended to depend from claim 1 which is submitted to be patentable. Amended claim 12 is therefore also submitted to be patentable. Claim 12 is


additionally submitted to be patentable for at least the reason that Chien does not teach "protrusions" as argued above. Further, Chien does not teach protrusions that are elliptical having a longitudinal axis aligned with a front to back axis of said protective shell.

Considering the foregoing, it is sincerely believed that this case is in condition for allowance, which is respectfully requested.

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

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